

General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 5. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 696.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BUCK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 1 o'clock and 30 minutes p.m.), the House stood in recess.

□ 1335

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOST) at 1 o'clock and 35 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 198;

Adoption of House Resolution 198, if ordered; and

Agreeing to the Speaker's approval of the Journal.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 1259, VA ACCOUNTABILITY FIRST ACT OF 2017; PROVIDING FOR CONSIDERATION OF H.R. 1367, IMPROVING AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO HIRE AND RETAIN PHYSICIANS AND OTHER EMPLOYEES; AND PROVIDING FOR CONSIDERATION OF H.R. 1181, VETERANS 2ND AMENDMENT PROTECTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 198) providing for consideration of the bill (H.R. 1259) to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes; providing for consideration of the bill (H.R. 1367) to improve the authority of the Secretary of Veterans Affairs to hire and retain physicians and other employees of the Department of Veterans Affairs, and for other purposes; and providing for consideration of the bill (H.R. 1181) to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 227, nays 185, not voting 17, as follows:

[Roll No. 162]

YEAS—227

Abraham	Cole	Gowdy
Aderholt	Collins (GA)	Granger
Allen	Comer	Graves (GA)
Amash	Comstock	Graves (MO)
Amodei	Conaway	Griffith
Arrington	Cook	Grothman
Babin	Costello (PA)	Guthrie
Bacon	Cramer	Harper
Banks (IN)	Crawford	Harris
Barletta	Culberson	Hartzler
Barr	Curbelo (FL)	Hensarling
Barton	Davidson	Herrera Beutler
Bergman	Denham	Hice, Jody B.
Biggs	Dent	Higgins (LA)
Bilirakis	DeSantis	Hill
Bishop (MI)	DesJarlais	Holding
Bishop (UT)	Diaz-Balart	Hollingsworth
Black	Donovan	Hudson
Blackburn	Duncan (SC)	Huizenga
Blum	Duncan (TN)	Hultgren
Bost	Dunn	Hunter
Brady (TX)	Emmer	Hurd
Brat	Farenthold	Issa
Bridenstine	Faso	Jenkins (KS)
Brooks (AL)	Ferguson	Jenkins (WV)
Brooks (IN)	Fitzpatrick	Johnson (LA)
Buchanan	Fleischmann	Johnson (OH)
Buck	Flores	Johnson, Sam
Bucshon	Fortenberry	Joyce (OH)
Budd	Fox	Katko
Burgess	Franks (AZ)	Kelly (MS)
Byrne	Frelinghuysen	King (IA)
Calvert	Gaetz	King (NY)
Carter (GA)	Gallagher	Kinzinger
Carter (TX)	Garrett	Knight
Chabot	Gibbs	Kustoff (TN)
Chaffetz	Gohmert	Labrador
Cheney	Goodlatte	LaHood
Coffman	Gosar	LaMalfa